IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL CONTEMPT PETITION NO.33 OF 2006

Dipak R. Shinde ..Petitioner
v/s.
Ravindra M. Vaity and another .. Respondents

Mr. R. Satyanarayanan for the petitioner.
Mr. G.S. Godbole for the respondent No.1.
Mr. H.S. Venegavkar for the respondent No.2.
Mr. M.S. Mhambre, Assistant Public Prosecutor for the State.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.

DATED : 30TH MARCH, 2007

P.C.

The case of the petitioner is that acting on the promise held out by respondent No.1, they agreed to settle the matter and got quashed the criminal proceedings which were filed by the petitioner herein against the respondent Nos.1 and 2 in Criminal Writ Petition No.421 of 2003. It is his contention that after getting the proceedings quashed, the respondent Nos.1 and 2 have backed out of the said agreement. In fact, Respondent also put up a newspaper advertisement on 12th January, 2005 in the Marathi daily “Navshakti”. It is, therefore, contended that the said amount to criminal contempt as the settlement entered into was to interfere with the course of justice.

2. We have heard the learned counsel for the respondents. It is contended that the Respondents' action does not amount to

criminal contempt and apart from that, it is barred by limitation considering the provisions of the Contempt of Courts Act, 1971.

3. In the first instance, we find that petitioner herein had filed contempt petition No.7 of 2006 as a civil contempt. The learned Single Judge on hearing the matter was of the opinion that it was not a fit case to initiate contempt action and it was open to the petitioner to resort to any other appropriate remedy, if advised. According to the petitioner, he has filed the contempt petition as the appropriate remedy. First and foremost, the contempt petition has to be filed within one year when the criminal contempt arises. The petitioner himself in the petition seeks condonation of delay. if there be delay. Apart from that, in our opinion, the acts alleged would not sound in a criminal contempt. In the circumstances it is always open to the either party to move for appropriate remedy in respect of the settlement. In our opinion, therefore, this would not be a fit case to entertain this petition in our contempt jurisdiction.

4. In the light of that, contempt petition disposed of. No order as to costs.

(F. I. REBELLO, J.)

(R.M. SAVANT, J.)